

DRAWING AMENDMENTS

The Examiner has objected to the drawings under 37 CFR 1.84(u) for including "FIGURE 1" when only a single view is used in the application. The drawing has been amended to remove reference to "FIGURE 1." Attached hereto are copies of the Replacement Sheet and the Annotated Sheet Showing Changes.

REMARKS

Claims presented for prosecution in this Application are claims 7-13. Claim 7 has been rejected over cited prior art. Claims 7-13 have been rejected under 35 U.S.C. § 112. Claims 7-10 and 13 have been amended. No new matter has been inserted. In view of Applicant's remarks below, Applicant respectfully submits that claims 7-13 are in condition for allowance. Accordingly, Applicant respectfully requests that the present Response be considered and entered, the rejections to the claims be withdrawn, and that the case now be passed to issue.

Drawings

The Examiner has objected to the drawings under 37 CFR 1.84(u) for including "FIGURE 1" when only a single view is used in the application. The drawing has been amended to remove reference to "FIGURE 1."

In view of this amendment, Applicant respectfully requests removal of the outstanding objection.

The 35 U.S.C. § 112 Rejection of Claims 7-13

The Examiner has rejected Claims 7-13 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to Claims 8-13, the Examiner has rejected them from being dependent from cancelled claim 1. The claims have been amended to ultimately depend from independent Claim 7.

With respect to Claim 7, the claim has been amended to clarify “plurality of said individuals.” In addition, the phrase “greater level of heterozygosity between a pair of individuals” has been clarified.

In view of these amendments, Applicant respectfully requests removal of the outstanding rejection.

The 35 U.S.C. § 101 Rejection of Claim 7

The Examiner has rejected Claim 7 as being directed to non-statutory subject matter. Specifically, the Examiner argues that the method does not produce a tangible result.

Applicant respectfully asserts that Claim 7 did produce a tangible result by “matching said individuals based on said level of heterozygosity.” However, the claim has been amended to include the step of “selectively communicating the results of said matching to said individuals” so that the method may no longer, as the Examiner alleges, “take place entirely within the confines of a computer or a human mind without any communication to the outside world and without using or making available for use, the results of the computation.” Applicant believes that this amendment clarifies the present invention.

In view of this amendment, Applicant respectfully requests removal of the outstanding rejection.

The 35 U.S.C. § 103(a) Rejection of Claim 7 over Copley

The Examiner has rejected claim 7 as being obvious over Copley. Applicant respectfully asserts that Copley does not disclose each and every aspect of independent claim 7.

As discussed in the specification, the present invention is broadly directed at the “benefits of MHC profiling when *matching people* in social and potentially sexual groups” (paragraph 11, emphasis added). Thus, the specification explains the language in the preamble that “matching partner-seeking individuals in a dating service” references people.

As recited in amended Claim 7, *inter alia*, the method comprises:

“selectively communicating the results of said matching to said individuals.”

This element informs the individuals of the matches.

In stark contrast, Copley’s disclosure is limited solely to rodents. The Copley article does not relate to “matching partner-seeking individuals in a dating service” as defined by the specification of the present invention. Furthermore, the Copley article fails to teach or suggest selectively communicating the results of the matching to the individuals, since, obviously, the rodents would not understand the results.

Thus, the present invention is different from the Copley article for at least these reasons stated above. Applicant therefore trusts that the Examiner will recognize the distinct differences between the study of Copley and the present invention.

To establish a *prima facie* case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (See MPEP 2143.03). As discussed above, the Copley article fails to teach or suggest all the claim limitations of independent claim 7. Therefore, a *prima facie* case of obviousness has not been established, and withdrawal of the instant rejection is respectfully requested.

Applicant therefore respectfully submits that claim 7 clearly distinguishes over Copley. In addition, although not specifically rejected, Applicant respectfully submits that claims 8-13 also define over Copley as being dependent upon independent claim 7.

Applicant earnestly believes that claim 7 clearly defines over Copley; however, should the Examiner believe that there remains any outstanding issues, Applicant respectfully requests that the Examiner contact Applicant's Representative so as to expedite resolution of these outstanding issues, via an Examiner's Amendment or the like.

CONCLUSION

In view of the remarks above, it is respectfully submitted that claims 7-13 are allowable, and an early action to that effect is earnestly solicited.

Applicant submits that the present Response After Final is responsive to each of the points raised by the Examiner and contains no new matter. Further, Applicant believes that the present Response is merely formal in nature, is in accordance with the Examiner's instructions, reduces the number of issues under consideration, and places the case in condition for allowance. Applicant believes the present Response was necessitated by the outstanding Final Office Action.

Applicant therefore respectfully requests that the present Response After Final be entered under 37 CFR § 1.116 and the case be passed to issue.

The Examiner is invited to contact the undersigned at the number below to expedite resolution of any issues that the Examiner may consider to remain unresolved. In particular, should a Notice of Allowance not be forthcoming, the Examiner is requested to phone the undersigned for a telephonic interview, an Examiner's amendment, or the like, while the outstanding issues are fresh in the mind of the Examiner.

Please charge the fee for the attached One Month-Extension of Time to our Deposit Account No. 13-0235. It is believed that no additional fees or deficiencies in fees are owed. However, authorization is hereby given to charge our Deposit Account No. 13-0235 in the event any additional fees are owed.

Respectfully submitted,

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